

Minutes
Bar Harbor Town Council
March 3, 2009

- I. EXECUTIVE SESSION** – 6:00 p.m. in the Meeting Room – In attendance were: Councilors Ruth Eveland, Robert Garland, Paul Paradis, Sandy McFarland, Julia Schloss, Greg Veilleux, Robert Jordan, Jr.; and Town Manager Dana Reed, Planning Director Anne Krieg, and Fire Chief Dave Rand.
- A. Vacation Rentals Implementation** – *Consultation with legal counsel on the Town Council's rights and responsibilities. (To be held in executive session as permitted by 1 MRSA 405.6.E).* – Mr. Paradis, with second by Mr. Veilleux, moved to go into executive session at 6:01 p.m. to consult with legal counsel on the Town Council's rights and responsibilities as permitted by 1 MRSA 405.6.E. Motion passed 7-0. Council came out of executive session at 6:37 p.m. Fire Chief Dave Rand left the meeting.
- B. Personnel Matter** - Mr. Paradis, with second by Mr. Veilleux, moved to go into executive session at 6:38 p.m. to consult with legal counsel on the Town Council's rights and responsibilities as permitted by 1 MRSA 405.6.E. Motion passed 7-0. Council came out of executive session at 6:46 p.m.
- Mr. Paradis, with second by Mr. McFarland, moved to recess until 7:00 p.m. Motion passed 7-0.
- II. RECONVENE** – 7:00 p.m. in the Council Chambers
- A. Excused Absence(s)** – There were none.
- III. APPROVAL OF MINUTES**
- A. February 10, 2009** – Mr. Paradis, with second by Mr. McFarland, moved to approve the minutes of the February 10, 2009 regular meeting as presented. Motion passed 7-0.
- IV. ADOPTION OF AGENDA** – Mr. Paradis, with second by Mr. Veilleux, moved to adopt the agenda as presented with the exception of tabling item VIII (G), Vacation Rentals Implementation until pending appeals are settled. Motion passed 7-0.
- V. FINANCIAL STATEMENTS:** (Customarily presented at the second meeting each month)
- VI. PUBLIC HEARINGS:**
- A. Special Amusement Permit Renewal: The Thirsty Whale, 40 Cottage Street,** request for a Class 3ad special amusement permit, three or more musicians with mechanical amplification and dancing as submitted by The Thirsty Whale Inc, Basil Eleftheriou, Jr. – There being no comments, Mr. Jordan, with

second by Ms. Schloss, moved to approve a Special Amusement Permit Renewal for the Thirsty Whale as requested. Motion passed 7-0.

VII. REGULAR BUSINESS:

- A. Election: June 9, 2009** – *Municipal officers' review and possible counter-signature of nine copies of the MDI Regional School District (high school) warrant.* – Mr. Paradis, with second by Mr. Garland, moved to sign nine copies of the MDI Regional School District (high school) warrant as presented. Motion passed 7-0.
- B. Harbor Committee** – *Application of Elizabeth McMullan to fill the vacant seat with an expiring term of June 30, 2011.* – Mr. McFarland nominated Elizabeth McMullan to fill the vacant seat on the Harbor Committee with an expiring term of June 30, 2011. There being no other nominations, the Council unanimously voted Elizabeth McMullan to fill the Harbor Committee seat.
- C. Design Review** – *Application of Alexis Byrne to fill the vacant seat with an expiring term of June 30, 2009.* – Mr. Garland nominated Alexis Byrne to fill the vacant seat on the Design Review Board with an expiring term of June 30, 2009. There being no other nominations, the Council voted Alexi Byrne to fill the Design Review Board seat by a vote of 6-1 (Nay: Mr. Paradis).
- D. Moratorium** – *Request of Councilor Schloss for a moratorium on non-residential development of buildings in excess of 10,000 square feet, in the Town Hill Business District.* - Ms. Eveland recused herself due to a prior vote for her recusal on this item on February 10, 2009. Council Garland served as Chair.

Following much discussion, Ms. Schloss, with second by Mr. Veilleux, moved to direct staff to:

1. Advertise a public hearing for March 17, 2009 at 7:00 p.m. to consider establishing a 180 day moratorium on non-residential development of buildings in excess of 10,000 square feet, in the Town Hill Business District,
2. Arrange to have a town attorney attend the meeting,
3. Prepare an appropriate Council Order establishing a 180 day moratorium, effective March 3, 2009, on the permitting process for non-residential development of buildings in excess of 10,000 square feet, in the Town Hill Business District, for the reasons outlined in the Planning Director's memo of February 10, 2009, and
4. Direct staff not to process applications for such development during the intervening period.

Motion failed 3-3-1 (Nay: Mr. Jordan, Mr. McFarland, Mr. Paradis; Recused: Ms. Eveland).

E. Committee Consultations – *Review of the first year of committee consultations to determine whether to continue the program and, if so, what changes might be advisable.* – Mr. Paradis, with second by Mr. Veilleux, moved to accept the Board and Committee Consultation Schedule as presented with the exception the following changes:

1. Changing the Communication Technology Task Force and the Cruise Ship Study Task force to as needed.
2. Changing the Design Review Board, Marine Resources Committee, and Parks and Recreation Committee from quarterly to semi-annual.

Following much discussion, Mr. McFarland, with second by Mr. Paradis, moved the question. Motion passed 7-0.

The main motion passed 6-1 (Nay: Ms. Schloss).

F. Downtown Shuttle Bus – *Report of the Parking and Traffic Committee on the proposal by Oli's Trolley.* – Following a brief summary of the Parking and Traffic meeting by Police Chief Nate Young, Mr. Paradis, with second by Mr. Veilleux, moved to accept the Parking and Traffic Committee's recommendation on the proposal by Oli's Trolley for a downtown tour/shuttle as presented and thank them for the review of this concept. Motion passed 7-0.

G. Vacation Rentals Implementation – *Request of Councilor Jordan for discussion of a possible solution to the number of vacation rental appeals and the associated legal fees.* – Item tabled until pending appeals are settled.

H. Street Lights – *Report of the Town Manager on implementation of the 10% reduction in the number of street lights.* – Following staff's report, Mr. Paradis, with second by Mr. Veilleux, moved to direct staff to conduct a street light survey and report to Council with the results and recommendations. Upon receiving and reviewing that report, Council shall schedule a public hearing on implementation. Motion passed 7-0.

Further, Mr. Paradis, with second by Mr. Veilleux, moved to direct staff to return to Council with a draft change to the Street Light Policy to reflect removal, as well as, addition of street lights. Motion passed 7-0.

I. Conservation Commission – *Review and possible acceptance of Laureen Donnelly's letter of resignation.* – Ms. Schloss, with second by Mr. Garland, moved to accept Laureen Donnelly's resignation from the Conservation Commission, thank her for her service, and wish her the best while on Long Island. Motion passed 7-0.

J. State Route 3 at 102/198 – *Request of the Maine Department of Transportation for approval of a settlement agreement for layout and taking.* – Mr. Paradis, with second by Mr. Veilleux, moved to authorize the Town Manager to sign the "Administrative Acquisition Offer Letter and Settlement

Agreement” as proposed by the Maine Department of Transportation. Motion passed 7-0.

- K. Treasurer’s Warrant** – *Request of Treasurer to authorize paid bills.* – Mr. Paradis, with second by Mr. Veilleux, moved to sign the Treasurer’s Warrant for paid bills. Motion passed 7-0.

VIII. COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA

Mr. McFarland requested inviting Senator Damon to a Council meeting to report what he’s doing for Bar Harbor and Mount Desert Island, sometime after the legislation session adjourns.

Mr. Garland gave notice that our local representatives for the Island, Hannah Pingree and Elspeth Flemings, will be holding a meeting at the Somesville Fire House on March 10th at 6:30 p.m.

Ms. Schloss announced a cooperative effort from businesses, Acadia National Park, and other entities are planning a Dark Sky Festival from September 17th to 21st. There are a number of events and activities planned indoors and outdoors around town and the Park. If successful they plan to make it an annual event, and hope Council will consider a Proclamation when the time comes.

Mr. Jordan expressed his best wishes to Code Enforcement Officer Angela Chamberlain and her family on the arrival of Phoebe Jane.

He further expressed to the residents of Town Hill that both sides of the Hannaford issue will have the opportunity to participate in the planning process and can see the applicant’s desire to work together with the community.

Mr. Paradis stated that he felt strongly that Councilors should refrain from making the kinds of personal attacks that were witnessed tonight. And that all Councilors need to respect each other’s opinions if we expect others to respect ours.

IX. EXECUTIVE SESSION:

- A. Town Manager’s Contract Renewal** – *(To be held in executive session as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter.)* – Mr. Paradis, with second by Mr. Veilleux, moved to go into executive session at 8:22 p.m. following a break, as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter. Motion passed 7-0. Council entered executive session at 8:29 p.m. Council came out of executive session at 8:51 p.m.

- X. ADJOURNMENT** – Mr. Paradis, with second by Mr. Veilleux, moved to adjourn at 8:51 p.m. Motion passed 7-0.

Paul Paradis, Secretary